

In re Patent Application of
WILSON ET AL.
Serial No. 10/748,723
Filed: **DECEMBER 30, 2003**

REMARKS

Applicants thank the Examiner for the careful and thorough examination of the present application, for helpfully pointing out several informalities in the claims, and for correctly noting that dependent Claims 66-68 recite patentable subject matter.

Applicants have amended independent Claim 24 to incorporate the subject matter of now canceled dependent Claim 26. Applicants have also amended independent Claims 39, 45, 51, and 65 to include similar subject matter and to address certain informalities. Applicants have also amended dependent Claims 25, 40, 42, 43-44, 46-49, 52-55, 66-67, and 69 to correct informalities.

Applicants submit that all claims are patentable, and present arguments and amendments herein supporting such patentability.

I. The Amended Claims

Amended independent Claim 24 is directed to a method of messaging between a wireless mobile terminal operating on a wireless carrier network and a networked computer on a landline network. The method may include starting a client on a device selected from the group including the wireless mobile terminal and the networked computer, the client for communicating messages in a push-to-talk (PTT) mode. The method also includes the client sending a login message to a server located outside of the wireless carrier network, the server communicating with the client by way of a packet network, and the server establishing a communication session

with the client in response to receiving the login message. The method further includes at the device, selecting at least one recipient for a PTT message, the at least one recipient including the other device from the group including the wireless mobile terminal and the networked computer, and sending the PTT message to the server by way of the packet network using a PTT function provided by the client. The method also includes determining availability of each of the at least one recipient to currently receive the PTT message, and the server selectively forwarding the PTT message to the at least one recipient that is available, and based on the respective availability of the at least one recipient, storing the PTT message for later delivery to an unavailable recipient, and the server also forwarding the PTT message to an external email system for delivery to the unavailable recipient.

Amended independent Claims 39, 45, 51, and 65 are directed to a related computer program product, a related wireless mobile terminal, a related networked device, and a related system, respectively, and have all been similarly amended.

II. The Amended Claims Are Patentable

The Examiner rejected amended Claims 24, 39, 45, 51, and 65 and former dependent Claim 26 over McConnell et al. in view of Stubbs. Referring to Figure 3 of McConnell et al., a wireless communication system includes an internet protocol (IP) network 50 communicating via wired connections with a service agent 62, a push-to-talk server 68, and an instant

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messaging server 70, for example. The system also communicates with a mobile wireless station 48. (Paragraph 51). The wireless station may send messages, for example, instant messages and PTT messages to appropriate servers through the IP network. (Paragraph 54). The wireless device may also use the service agent as a middleman/proxy for communication in the IP network. (Paragraph 57).

The Examiner correctly notes that McConnell et al. fails to disclose determining the availability of each of the recipients to currently receive the PTT message. The Examiner looks to Stubbs to supply this deficiency of McConnell et al. Stubbs discloses a wireless communication system that handles call requests within the network by first checking availability of recipients in the network. If the recipient is unavailable, either for not being within the network's coverage or being in progress with another call, the system holds the message in a packet store until the recipient becomes available. (Col. 9, lines 24-29). The Examiner's stated motivation to combine is to allow the system to identify available recipients for a message to be transferred, and to store messages in the packet store for unavailable recipients.

Applicants have amended independent Claim 24, for example, to recite based on the respective availability of the at least one recipient, storing the PTT message for later delivery to an unavailable recipient, and the server also forwarding the PTT message to an external email system for delivery to the unavailable recipient. Applicants submit that neither McConnell et al. nor Stubbs discloses this feature of

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independent Claim 24. Indeed, Stubbs discloses storing messages for unavailable recipients in the packet store and waiting for the user to become available for subsequent transmission. In contrast, the claimed invention as in independent Claim 24, for example, delivers the PTT message to the unavailable recipient by forwarding the message to an external email system.

Hence, because of this critical deficiency of the prior art, Applicants submit that amended independent Claim 24 is patentable over the prior art. Independent Claims 39, 45, 51, and 65 are similar to and have been amended similarly to Claim 24. Therefore, Applicants submit that they are also patentable for similar reasons. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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CONCLUSIONS

In view of the amendments to the claims and the arguments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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